

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATE..... August 18, 2004
 TIME..... 7:00 P.M.
 PLACE..... County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT

KD Benson
 Kathy Vernon
 David Williams
 John Knochel
 Vicki Pearl
 Jeff Kessler
 Gary Schroeder
 Steve Schreckengast
 Dr. Carl Griffin
 Kevin Klinker
 Mike Smith
 Bob Bowman
 Lynda Phebus

MEMBERS ABSENT

Mark Hermodson
 Steve Egly

STAFF PRESENT

Sallie Fahey
 Margy Deverall
 Jay Seeger, Atty.
 Don Lamb
 Kathy Lind
 Bianca Bullock

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 18th of August 2004, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

KD Benson called the meeting to order.

I. BRIEFING SESSION

Sallie Fahey informed the Commission that there are new minutes with changes primarily regarding the discussion of the Lauren Lakes Subdivision. She said **S-3553 – McCOOL MINOR, REPLAT OF OUTLOT 1 (Minor-Sketch)** needs to be continued to the September 1, 2004 Executive Committee meeting because a certified Notice to Interested Parties was not mailed to the Area Plan Commission; **S-3507- THE OAKS SUBDIVISION (Minor Sketch)** needs to be continued to the September 1, 2004 Executive Committee meeting because there is still some question as to sewer availability; **Z-2193 – RMD PROPERTIES (Hilltop PD) (NB to PDNR)** is continued until the September 15, 2004 Area Plan Commission public meeting so that the petitioner might make changes to the request; both **Z-2205 – MARY SHORT (R1 to GB)** and **Z-2198 – SMITH ENTERPRISES, INC (R1B to GB)** need to be continued to the September 15, 2004 Area Plan Commission public meeting because a certified Notice to Interested Parties was not mailed to the Area Plan Commission.

She also mentioned in regard to **Z-2196 – KOMARK BUSINESS COMPANY (R3U to NBU)**, both she and Margy Deverall are on the board of Lafayette Neighborhood Housing Services. She stressed that neither she nor Margy Deverall were involved with staff discussions regarding the rezone petition and will not make the presentation on the petition.

II. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the July 21, 2004 meeting as submitted with changes.
Kathy Vernon seconded and the motion carried by voice vote.

III. NEW BUSINESS

A. PRIMARY APPROVAL EXTENSION REQUEST

1. NEW CENTURY PLACE SUBDIVISION, SECTION 2 (S-2844)

The developer, Realty Advisors, Inc., is requesting an extension of the 5-year conditional primary approval, originally granted August 18, 1999. The preliminary plat covers an 8.68

acre site located just south of SR 26, across from the Post Office in Lafayette, Fairfield 27 (NE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey read the staff report with recommendation of approval.

Joseph T. Bumleburg, PO Box 1535, Lafayette, IN, concurred with staff report and requested approval.

Jeff Kessler said he saw the site, the road is in, and it looks good.

The Commission voted by ballot 13 yes – 0 no to approve.

Jeff Kessler left the room because of a conflict of interest.

B. FINAL DETAILED PLANS

1. RESOLUTION PD 04-23: SYCAMORE PROFESSIONAL VILLAGE PLANNED DEVELOPMENT (Z-2178):

Final Detailed Plans for a condominium office park on 4.967 acres, located north of CR 350 S between S 18th Street and Concord Road, Wea 9 (NE) 22-4.

Kathy Vernon moved to hear and approve RESOLUTION PD 04-23. Carl Griffin seconded.

Sallie Fahey presented slides of the zoning map, site plan and 2 aerial photos. She read the staff report with recommendation of approval.

Paul Coutts, 1719 Monon Ave, Lafayette, IN, concurred with the staff report and asked for approval.

The Commission voted by ballot 12 yes – 0 no to approve RESOLUTION PD 04-23.

Jeff Kessler returned to the meeting.

IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

Jeff Kessler moved to continue S-3507-THE OAKS SUBDIVISION (Minor-Sketch), and S-3553 – McCOOL MINOR, REPLAT OR OUTLOT 1 (Minor-Sketch) to the September 1, 2004 Executive Committee meeting; and Z-2193 – RMD PROPERTIES (Hilltop PD) (NB to PDNR), and Z-2198 – SMITH ENTERPRISES, INC (R1B to GB), and Z-2205 – MARY SHORT (R1 to GB) to the September 15, 2004 Area Plan Commission public meeting. Kathy Vernon seconded and the motion carried by voice vote.

KD Benson read the meeting procedures.

A. ORDINANCE AMENDMENTS

1. UZO AMENDMENT #45:

An omnibus amendment which includes changes to the definition of “flag lot”, to the section covering changes to FP zone boundaries, adding a definition of a “family vehicle”, adding a section that states this ordinance does not supersede more restrictive regulations, changing the intent of the NBU zone, and correcting an error in the air space control regulations.

Jeff Kessler moved to hear and approve UZO AMENDMENT #45. Kathy Vernon seconded the motion.

Sallie Fahey recapped the omnibus resolution.

Steve Schreckengast asked for clarification regarding the statement that this ordinance does not supersede more restrictive regulations.

Jay Seeger replied there are certain State and Federal regulations that are more restrictive than Tippecanoe County's Unified Zoning Ordinance. He said this part of the amendment states that the more restrictive regulation must be followed.

Carl Griffin said he would like clarification regarding the sale of a family vehicle. He asked if an individual is currently allowed to sell a vehicle on their property.

Jay Seeger answered that under the current UZO, an individual may not sell a vehicle on their property, that would be considered an illegal use, but the proposed amendment would allow that action.

Carl Griffin asked if the vehicle must be owned for a certain period of time before it can be sold.

Sallie Fahey responded that the vehicle must be owned by the property owner for at least one year.

KD Benson said that a used-car business is prohibited.

The Commission voted by ballot 13 yes – 0 no to approve **UZO AMENDMENT #45.**

B. REZONING ACTIVITIES

1. Z-2191 – O'MALLEY & O'MALLEY, LLC (McCormick Place) (PDRS & R1 TO PDRS):

Petitioner is requesting rezoning of 19.562 acres for a 5 acre expansion of McCormick Place PD (Z-2003) for the purpose of adding surface parking, outdoor recreational facilities and the option for storage facilities to serve the already existing apartments. Located at the northeast corner of McCormick and Lindberg Roads, in both unincorporated Wabash Township and West Lafayette, Wabash 11 (SE) 23-5 & 12 (SW) 23-5. CONTINUED FROM THE JULY MEETING, FIRST CONTINUANCE.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Margy Deverall presented slides of the zoning map, site plan and 2 aerial photos. She read the staff report with recommendation of approval.

Daniel Teder, PO Box 280, Lafayette, IN, concurred with the staff report and requested approval.

Mike Smith asked when the annexation of the property into West Lafayette goes into effect.

Dan Teder responded that the annexation has been heard on second reading and the 30-day waiting period ends September 1, 2004; after September 1, the annexation will be in effect. He explained that date precedes the West Lafayette Common Council meeting on the rezone.

Kevin Klinker asked if the property would be under the West Lafayette Fire Department's jurisdiction.

Dan Teder replied affirmatively.

The Commission voted by ballot 13 yes – 0 no to approve **Z-2191 – O'MALLEY & O'MALLEY, LLC (McCormick Place) (PDRS & R1 TO PDRS).**

2. Z-2196 – KOMARK BUSINESS COMPANY (R3U TO NBU):

Petitioner is requesting rezoning of 306 Erie Street, currently used as an office by Lafayette Neighborhood Housing Services, located on the west side of Erie Street, just north of Ferry, Lafayette, Fairfield 21 (SW) 23-4. CONTINUED FROM THE JULY MEETING, FIRST CONTINUANCE.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Kathy Lind presented slides of the zoning map, site plan and 2 aerial photos. She read the staff report with recommendation of approval.

She read the following letter into the record:

Patricia Wilkerson, Resident Representative of Historic Jefferson Neighborhood Association, 1101 Brown Street, Lafayette, in favor.

David Kovich, Komark Business Company, 1357 Lockwood Dr, Lafayette, IN, concurred with the staff report and requested approval.

Carl Griffin asked for clarification regarding the deed restrictions.

Jay Seeger responded that the deed restrictions limit what uses are allowed on this specific piece of property. He explained the limits were set and enforceable only by the grantor, Lafayette Neighborhood Housing Services.

KD Benson asked if the neighbors could enforce the deed restrictions if they were aware of a violation.

Jay Seeger pointed out that the adjacent property owners have no right to enforce the deed restrictions.

David Kovich recapped a section of the deed restrictions, pointing out specifically that if the deed is violated, the City of Lafayette, Area Plan Commission, or a party, person or persons owning any adjacent property within 100 feet of the real estate to prosecute any proceedings at law.

Jay Seeger explained that the overall enforceability of the deed restrictions is limited.

Carl Griffin asked if the Area Plan Commission actually does have the right to prosecute the property owner for a deed violation.

Jay Seeger responded that the Area Plan Commission might not be able to enforce these restrictions.

The Commission voted by ballot 13 yes – 0 no to approve **Z-2196 – KOMARK BUSINESS COMPANY (R3U to NBU).**

3. **Z-2197 – JOHN H. PURVIS & E. RACHEL JOHNSON (R3W TO NB):**
Petitioners are requesting rezoning of two lots located at the north corner of Northwestern Avenue and Yeager Road, more specifically 2306 Northwestern Avenue, West Lafayette, Wabash 12 (SE) 23-5.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Margy Deverall presented slides of the zoning map, site plan and 2 aerial photos. She read the staff report with recommendation of approval.

Matthew McQueen, PO Box 1535, Lafayette IN, concurred with staff report and requested approval.

The Commission voted by ballot 13 yes – 0 no to approve **Z-2197 – JOHN H. PURVIS & E. RACHEL JOHNSON (R3W to NB).**

4. **Z-2199 – EAGLE'S NEST, INC. (R1 TO R1B):**
Petitioner is requesting rezoning of 10.798 acres for a proposed 45-lot subdivision located south of Wildwood Drive extended, west of Pineview Lane and north of SR 26, Perry 19 (SE) 23-3.
5. **Z-2200 – EAGLE'S NEST, INC. (R1 TO R1A):**
Petitioner is requesting rezoning of 5.5 acres for a proposed 31-lot subdivision on the south side of Wildwood Drive, west of Pineview Lane and north of SR 26, Perry 19 (SE) 23-3.

Jeff Kessler moved to dismiss the above-described requests. Kathy Vernon seconded and the motion carried by voice vote.

KD Benson asked if there was anyone present to represent the petitioner.

Jay Seeger responded that it was appropriate to dismiss the petition.

KD Benson inquired as to whether the petitioner is restricted by a time limit to re-file.

Sallie Fahey said the one-year time limit is only imposed on petitions that were denied, but in the case of a dismissed petition, the petitioner would be required to only re-file.

Jeff Kessler reiterated that the cases are being dismissed and the petitioner must re-file the requests.

Jay Seeger responded affirmatively.

Someone from the audience stood up and asked the Commission if the petitioner has the legal right to have his petition dismissed.

Jay Seeger responded that it is the right of the Commission to dismiss the petition.

Someone from the audience stood up and asked if the Commission was able to act upon the petition without petitioner representation present.

Jay Seeger said that situation has never occurred.

KD Benson explained the purpose of a public hearing is to hear both sides of the request.

Jay Seeger agreed that the burden is on the petitioner to persuade the Commission to grant his requests. He explained that the petitioner filed the requests then did not appear at the hearing, so the Commission must dismiss the petition.

Sallie Fahey pointed out that the Area Plan Commission by-laws state a failure to appear warrants an automatic dismissal.

KD Benson asked the earliest date when the petition can be heard again.

Sallie Fahey said the October Area Plan Commission public hearing.

6. Z-2201 – LAUTH PROPERTY GROUP (I3 TO GB):

Petitioner is requesting rezoning of 17.3 acres located on the west side of Creasy Lane, ½ mile south of SR 26, Lafayette, Fairfield 26 (W1/2) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

7. Z-2202 – LAUTH PROPERTY GROUP (I3 TO GB):

Petitioner is requesting rezoning of 1.659 acres located on the west side of Creasy Lane, almost ½ mile south of SR 26, Lafayette, Fairfield 26 (NW) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

8. Z-2203 – LAUTH PROPERTY GROUP (I3 TO GB)

Petitioner is requesting rezoning of 2.564 acres located on the south side of SR 26, approximately ¼ mile west of Creasy Lane, Lafayette, Fairfield 26 (NW) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

9. Z-2204 – LAUTH PROPERTY GROUP (I3 TO GB):

Petitioner is requesting rezoning of 9.112 acres located approximately 1000' south of SR 26 and ¼ mile west of Creasy Lane, Lafayette, Fairfield 26 (NW) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Margy Deverall presented slides of the zoning maps, site plans and 4 aerial photos. She read the staff report with a recommendation of approval for all four requests.

Joseph T. Bumbleburg concurred with the staff report and requested approval.

Bob Bowman asked how the proposed entrance to the development on SR 26 would affect the already-congested traffic in that area.

Sallie Fahey pointed out that INDOT and the City of Lafayette have hired a consultant who is conducting a study of SR 26 regarding traffic concerns and improvements needed. She mentioned that it is not complete yet, but another lane is likely to be created to lessen the congestion. She also explained that the location of the driveways into the development, have not yet been approved.

Kevin Klinker asked what would happen to the northern portion of the property if the State decided to add a third lane, as it would lie right in the path of the expansion of SR 26.

Joseph T. Bumbleburg responded that if the State needs property for a highway project, it would take land, as it deems necessary.

The Commission voted by ballot 13 yes – 0 no to approve **Z-2201 – LAUTH PROPERTY GROUP (I3 to GB).**

The Commission voted by ballot 13 yes – 0 no to approve **Z-2202 – LAUTH PROPERTY GROUP (I3 to GB).**

The Commission voted by ballot 13 yes – 0 no to approve **Z-2203 – LAUTH PROPERTY GROUP (I3 to GB).**

The Commission voted by ballot 13 yes – 0 no to approve **Z-2204 – LAUTH PROPERTY GROUP (I3 to GB).**

C. SUBDIVISIONS

1. S-3540 – DAUGHTERY COMMERCE CENTER, PART 2 (Major-Preliminary):

Petitioner is seeking primary approval for a 4-lot commercial subdivision on 13.68 acres, located at the northwest corner of CR 350 S and Osborne Drive, in the City of Lafayette, Wea 10 (NW) 22-4. CONTINUED FROM THE JULY MEETING.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey presented slides of the zoning map, site plan and 2 aerial photos. She read the staff report with recommendation of conditional primary approval contingent on the following:

Variances

1. A variance to permit the termination of Cliburn Road without the required turnaround, as shown on the preliminary plat. [USO Section 5.3(1)(h)(ii)]
2. A variance to reduce the minimum 60-ft. right-of-way for Cliburn Road to 50-ft., as shown on the preliminary plat. [USO Section 5.3(2)(a)]

Construction Plans – The following items shall be part of the Construction Plans application and approval:

1. The Lafayette City Engineer shall approve the construction plans.
2. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

4. The required bufferyard(s) shall be shown with the standard plant unit details. The bufferyard(s) shall be installed as part of required public improvements.

Final Plat – The following items shall be part of the Secondary Application and Final Plat approval:

5. Except for the approved entrance, a “No Vehicular Access” statement shall be platted along the CR 350 S right-of-way line.
6. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
7. All existing easements, covenants, or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded)
8. All required building setbacks shall be platted.
9. The street addresses and County Auditor’s Key Number shall be shown.

Subdivision Covenants – The following items shall be part of the subdivision covenants:

10. The “No Vehicular Access” restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Tim Balansiefer, TBird, 4720 S 100 W Lafayette, IN 46041, concurred with staff report and requested approval.

The Commission vote by ballot 13 yes – 0 no to approve the two variances.

The Commission voted by ballot 13 yes – 0 no to permit bonding for all public improvements.

The Commission voted by ballot 13 yes – 0 no to grant conditional primary approval to **S-3540 – DAUGHERTY COMMERCE CENTER, PART 2 (Major-Preliminary)**.

2. S-3541 – MASON’S RIDGE SUBDIVISION (Major-Preliminary):

Petitioner is seeking primary approval for a 90-lot subdivision (and 2 outlots) on 65.45 acres, located at the northeast corner of CR 150 E (S. 18th Street) and Wea School Road, in Wea 16 (SE) 22-4. *CONTINUED FROM THE JULY MEETING.*

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey presented slides and read the staff report recommending conditional primary approval contingent on the following:

Variances

1. A variance to waive the required half-width improvements to CR 150 E for Lot 90 frontage. [USO Section 5.3(3)(b)]
2. A variance from the minimum 100-ft. tangent required at the intersection of Masons Ridge Road and Masons Ridge Court. [USO Section 5.3(2)(e)(i)]
3. A variance from the minimum 100-ft. tangent required at the intersection of Sandstone Court West and Keystone Court. [USO Section 5.3(2)(e)(i)]

Construction Plans – The following items shall be part of the Construction Plans application and approval;

1. The Lafayette City Engineer shall approve the sanitary sewer and water plans.
2. The Wea Township Fire Department shall approve the fire hydrants. Plans for the actual placement of the hydrants shall be approve by the City in cooperation with the Fire Department.
3. An Erosion and Sediment control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.

4. The County Drainage Board shall approve the drainage plans.
5. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
6. On the grading plan, the lowest floor elevation for any building pad within 100 ft. of the FP (Flood Plain) district shall meet the flood protection grade.

Final Plat – The following items shall be part of the Secondary Application and Final Plat approval:

7. Except for the approved entrances, a “No Vehicular Access” statement shall be platted along the S. 18th Street and Wea School Road right-of-way lines, as shown on the preliminary plat.
8. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
9. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
10. All required building setbacks shall be platted.
11. The Regulatory Flood Elevation Boundary shall be shown.
12. The street addresses and County Auditor’s Key Number shall be shown.

Subdivision Covenants - The following items shall be part of the subdivision covenants:

13. The “No Vehicular Access” restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
14. The purpose, ownership and maintenance of Outlot A and B shall be specified.

She read the following letter into the record:

Ed & Delores Cavanaugh, 1557 Crestwood Lane, Lafayette.

Sallie Fahey said it would be good to refer Mr. & Mrs. Cavanaugh to the Drainage Board where their concerns will be heard.

Randy Williams, Ball Law Firm, Lafayette, IN, concurred with the staff report and requested approval.

KD Benson asked if there were planned improvements to South 18th Street.

Randy Williams replied the money, the amount of which was determined by the Highway Department, has been put in escrow for those improvements.

Sallie Fahey suggested that a condition be added regarding the easement and entrance onto lot 90.

Randy Williams said that Lot 90 was an original homestead and a typical ingress, egress easement. He said the current owner of Lot 90 is fine with the easement access.

KD Benson asked if there were a possibility of making another easement lot and two driveways into the proposed subdivision.

Jay Seeger replied the existing easement is for access to Lot 90 only.

Randy Williams mentioned that the easement is not exclusive, and if the need arises, we should be able to add another easement to the development.

Jay Seeger suggested another condition could be added which limits the use of the existing easement to Lot 90 and the existing homestead property only.

KD Benson agreed.

The motion carried by voice vote to add condition #15 which limits the use of the existing easement to Lot 90 and the existing homestead property only.

The Commission voted by ballot 13 yes – 0 no to approve the variances.

The Commission voted by ballot 13 yes – 0 no to permit bonding for all public improvements.

The Commission voted by ballot 13 yes – 0 no to grant conditional primary approval to **S-3541 – MASON'S RIDGE SUBDIVISION (Major-Preliminary).**

V. ADMINISTRATIVE MATTERS

None

VI. APPROVAL OF THE SEPTEMBER EXECUTIVE COMMITTEE AGENDA

Jeff Kessler moved that the following subdivision petitions be placed on the September 1, 2004 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3557 – NICHOLAS' DEERWOOD SUBDIVISION (Minor-Sketch)

S-3559 – JACLYN MINOR SUBDIVISION (Minor-Sketch)

S-3560 – STOVER MINOR SUBDIVISION (Minor-Sketch)

Kathy Vernon seconded and the motion carried by voice vote.

VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute.

Z-1672 – DAVID P. & MICHELLE K. POUNDS

Z-1674 – BURKHART SIGN SYSTEM

Kathy Vernon seconded and the motion carried by voice vote.

VIII. DIRECTOR'S REPORT

Sallie Fahey highlighted parts of the written director's report including a return of \$159,798.95 to the County General Fund for transportation planning work in FY 2004, an update on the Land Use Inventory Data Input project, the 2005 Budget hearing which begins Monday, August 23, 2004 and updated the Commission on staff news.

IX. CITIZEN COMMENTS AND GRIEVANCES

KD Benson asked if it were possible to move the Citizen Comments and Grievances section earlier on the agenda.

Jay Seeger responded that the Area Plan Commission by-laws would need to be amended to make that change.

Following further discussion, it was decided to amend the by-laws to move that section to just after subdivisions.

Dave Williams mentioned he appreciates efficiently run meetings, and would prefer the staff to consistently use abbreviated staff reports.

Carl Griffin agreed. He said that the Commission takes their job seriously, and as such, has read the staff report prior to the meeting. He mentioned that reading the staff report benefits the public, but also said they do not vote on the petitions.

Jay Seeger said the request for the staff to read abbreviated reports would not require an amendment to the by-laws. He also pointed out the "catchall" motion at the beginning of the public hearings states that staff reports are incorporated into the record. He said his concern is that the reports might become too editorialized, although if the entire Commission has read the staff report prior to the meeting, it would not be a problem.

Joseph T. Bumbleburg said he does not feel that abbreviating presentations is a problem.

Kevin Klinker responded that if the petition is highly contested, then perhaps the entire staff report could be read.

Steve Schreckengast suggested that an announcement be made at the beginning of the public hearing, which would remind the public that staff reports are available.

Carl Griffin asked if the earlier dismissal of the petition, **Z-2199 – EAGLE'S NEST, INC** and **Z-2200 – EAGLE'S NEST, INC.**, required a motion to remove it from the agenda.

Jay Seeger responded it should be done by a motion.

KD Benson stated that if the petitioners appear at the meeting after their petition has been dismissed, they are not allowed to still represent themselves and the file is dismissed.

Kevin Klinker asked if there was a by-law that would prevent the Commission from moving a specific petition to the front of the agenda.

Jay Seeger responded that the continuance is granted by agreement and the Commission cannot move the petition to the front of the agenda and dismiss it at the beginning of the meeting.

Mike Smith asked if the Commission was allowed to rearrange petitions on the agenda.

Jay Seeger answered that when the meeting begins, the agenda has already been posted, although petitions can be moved farther down on the list, but not moved to the beginning.

Mike Smith suggested the Commission adopt the agenda with flexibility.

KD Benson said that suggestion would require a by-law change.

Sallie Fahey said she and Jay would work together on a by-law amendment to move the Citizen Comment and Grievances to a position just after subdivision hearings.

X. ADJOURNMENT

KD Benson moved for adjournment. Jeff Kessler seconded and the motion carried by voice vote.
The meeting was adjourned at 8:50 P.M.

Respectfully submitted,



Bianca Bullock
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director